

Panaji, 27th August, 2020 (Bhadra 5, 1942)

SERIES II No. 22

OFFICIAL GAZETTE

GOVERNMENT OF GOA



PUBLISHED BY AUTHORITY

GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Co-operative Societies

Order

No. 3-1-81/EST/RCS/Part/1534

The Government is pleased to order transfer of the following Asstt. Registrars of Co-op. Societies (Group 'B' Gazetted) in public interest with immediate effect.

Sr. No.	Name and designation	Present posting	Posting on transfer
1	2	3	4
1.	Shri Sanjay S. Khajankar, Asstt. Registrar of Co-op. Societies	Asstt. Registrar of Co-op. Societies, Marketing, Panaji	Asstt. Registrar of Co-op. Societies, Camp Court, Goa Urban Co-op. Bank Ltd., Panaji-Goa.
2.	Shri M. N. Kalangutkar, Asstt. Registrar of Co-op. Societies	Asstt. Registrar of Co-op. Societies, Camp Court, Goa Urban Co-op. Bank Ltd., Panaji-Goa	Asstt. Registrar of Co-op. Societies, North Zone, Mapusa.
3.	Shri Santosh P. Naik, Asstt. Registrar of Co-op. Societies	Asstt. Registrar of Co-op. Societies, North Zone, Mapusa	Asstt. Registrar of Co-op. Societies, Marketing, Panaji with additional charge of Camp Court, the Goa State Co-op. Housing Finance and Federation Ltd., Panaji-Goa, once a week.

By order and in the name of the Governor of Goa.

Vikas S. N. Gaunekar, Registrar & ex officio Joint Secretary (Co-operative Societies).

Panaji, 7th August, 2020.

Order

No. 60/16/GSCB/TS/2016-17/Suppl./1569

Read: DO No. NB.Goa.DOS-HLC/2019-20 dated 30-05-2019 from General Manager of NABARD, Goa Regional Office, Panaji-Goa.

The Government is pleased to constitute High Level Committee (HLC) to monitor the health of

the Goa State Co-operative Bank Ltd., and discuss other operational issues as under:-

- | | |
|---|-------------|
| 1. The Chief Secretary | — Chairman. |
| 2. Secretary (Co-operation) | — Member. |
| 3. Regional Director, Reserve Bank of India, Panaji | — Member. |
| 4. Registrar of Co-op. Societies, Government of Goa, Panaji | — Member. |

5. Chairman, Goa State Co-op. Bank Ltd., Panaji — Member.
6. Managing Director, Goa State Co-op. Bank Ltd., Panaji — Member.
7. The General Manager/Office-in-charge, NABARD, Goa Regional Office — Convenor.

The committee shall meet on quarterly basis within 45 days from the end of quarter.

The details of objectives, roles and functionings of HLC are annexed herewith.

By order and in the name of the Governor of Goa.

Vikas S. N. Gaunekar, Registrar & ex officio Joint Secretary (Co-operative Societies).

Panaji, 6th August, 2020.

ANNEXURE

Details of objectives, roles and functions of High Level Committee (HCL)

A. Objectives of High Level Committee:

1. Ensuring the financial soundness on a continuous basis.
2. Adherence to regulatory compliance.
3. Capacity building and professionalizing of Board members.
4. Improving accountability of the management for putting the Banks into risk/causing irregularities.
5. Autonomy in decision making.
6. Technology upgradation and improving customer services.
7. Addressing operational and managerial needs.
8. Other issues relating to governance and management of the Bank.
9. Providing timely guidance in business planning and business diversification.

B. Role and functions:

Overall review of the functioning of Goa State Co-operative Bank in the State of Goa covering mainly the following aspects:

1. (a) Bank-wise financial soundness and efficiency covering capital adequacy (CRAR), asset quality and NPAs, margins, return on assets, profitability;

- (b) The Bank may be provided with the guided direction to ensure sustainable financial soundness with improvement in CRAR, quality of assets, return on assets and adherence to regulatory compliance;

- (c) Preparation of Monitorable Action Plan (MAP) and its review.

2. Compliance with important statutory provisions of Banking Regulation Act, 1949 (AACS), RBI Act, 1934, RBI/NABARD guidelines, KYC/AML guidelines, exposure norms, compliance to RBI directions issued, if any and compliance to inspection report findings.
3. Review of Comprehensive Turn Around Project (C-TAP).
4. Review of top 10 NPA Accounts.
5. Review of receipt of subsidies/other receivables and other commitments of Government.
6. Review of action by the Bank in improving the supervisory rating.
7. Review of Bank's major business parameters like deposits, borrowings diversification of loans and advances and investments, liquidity position.
8. Review of conversion, re-schedulement and re-phasing and accountability of Board, measures for capacity building/professionalization of Board of Directors; assessment of training needs for Board members/CEO.
9. Human Resources issues including training and capacity building.
10. Internal checks and control systems and risk management systems, etc.
11. Audit related issues—Statutory Audit, Internal Audit, Concurrent Audit, etc. progress in conduct of audit, coverage, quality thereof based on review.
12. Issues relating to technology upgradation and offering Tech based products and CBS+ services to customers.
13. Technology upgradation of PACS.

C. Periodicity of meeting:

The meeting is to be held on quarterly basis within 45 days from the end of quarter.

Corrigendum

No. 3/3/Urban Credit/TS-II/PZ/2017/RCS/Suppl/
1703

- Read: 1. Order No. 3/3/Urban Credit/TS-II/2017/
/RCS/Suppl/1450 dated 04-08-2020.
2. Order No. 21-1-99-TS-II/Shiroda/RCS/1437
dated 31-07-2020.
3. Order No. 3/18/Urban Credit/TS-II/PZ/
2020/RCS/1448 dated 04-08-2020.
4. Order No. 3/10/Urban Credit/TS-II/PZ/
/2018/1449 dated 04-08-2020.
5. Order No. 14/4/Service/TS-II/PZ/2020/
/RCS/1451 dated 04-08-2020.

In the first para of the above referred Orders, after the expression “(hereinafter referred to as the Nominee)” the following expression shall be added “from the existing list of empanelled Registrar’s Nominee”.

The other contents in the Order shall remain unchanged.

Vikas S. N. Gaunekar, Registrar (Co-operative Societies).

Panaji, 19th August, 2020.

**Department of Education, Art & Culture**

Directorate of Higher Education

Order

No. 2/91/Goa State Pvt. Uni.Bill/DHE/2020/2590

In terms of Section (5) of the Goa Private Universities Act, 2020, Government is pleased to constitute a Committee for evaluation of proposal for establishment of Private Universities in Goa with the following composition:-

1. Hon’ble Chief Minister/ — Chairman.
/Education Minister
2. Vice-Chancellor, Goa University, — Member.
Taleigao Plateau, Goa
3. Dr. Satish Shetye, — Member.
Ex-Vice-Chancellor,
Goa University

**Department of Finance**

Revenue and Expenditure Division

Directorate of Accounts

Office Order No. 1289

No. DA/Admn./45-2/19-20/256/TR-2735

Government is pleased to promote the following Assistant Accounts Officers under the Common Accounts Cadre of the Directorate of Accounts to the post of Deputy Director of Accounts/Accounts Officer (Group “A” Gazetted) in Level 10 of the Pay Matrix (i.e. Pay Band PB-3 Rs. 15600-39100, Grade Pay

4. Dr. Gopal Mugeraya, — Member.
Director, NIT, Goa
5. Prof. B. K. Mishra, Director, — Member.
IIT, Goa
6. Adv. Narendra Keshav Sawaikar, — Member.
r/o Khadpabandh, Ponda-Goa
7. Secretary (Higher Education), — Member.
Secretariat, Porvorim-Goa
8. Secretary (Finance), — Member.
Secretariat, Porvorim-Goa
9. District Magistrate of concern — Member.
District
10. Principal Chief Engineer, — Member.
Public Works Department,
Panaji-Goa
11. Director of Higher Education, — Member
Porvorim-Goa Secretary.

By order and in the name of the Governor of
Goa.

Tushar Halarnkar, Under Secretary (Higher Education).

Porvorim, 17th August, 2020.

Order

No. ACADIII/GC-03/Misc.Matters/39/2019/2586

Government is pleased to transfer and post Dr. Annie F. D’Souza Gomes, Assistant Professor in Botany, Government College of Arts, Science and Commerce, Quepem-Goa to Government College of Arts, Science and Commerce, Sanquelim-Goa with immediate effect in public interest against the vacant post created due to retirement on attaining the age of superannuation in respect of Shri R. K. Tari, Associate Professor in Botany, Government College of Arts, Science and Commerce, Sanquelim-Goa.

By order and in the name of the Governor of
Goa.

Tushar T. Halarnakar, Under Secretary (Higher Education).

Porvorim, 17th August, 2020.

5400/- pre-revised). The Officers from Sr. No. 1 to 5 are promoted on regular basis and Sr. No. 6 & 7 on officiating basis from the date of taking over charge of the post.

Sr. No.	Name of the Officer
1.	Smt. Seema M. P. Dessai.
2.	Smt. Maria Alda Monteiro.
3.	Shri Sarvottam P. Satardekar.
4.	Smt. Maireen M. P. S. Menezes Barreto.
5.	Smt. Sebastiana Silva (ST).
6.	Smt. Sunita B. Singh.
7.	Smt. Manisha D. Cascar.

Government is further pleased to order the posting of the following Deputy Director of Accounts/Accounts Officers under the Common Accounts Cadre in the Department shown against their names:-

Sr. No.	Name of the Dy. Director of Accounts/Accounts Officer	Place of present posting as Assistant Accounts Officer	Proposed place of posting on promotion to the post of Dy. Director of Accounts/Accounts Officer
1	2	3	4
1.	Smt. Seema M. P. Dessai	Directorate of Accounts, Panaji-Goa	O/o the Commissioner of Commercial Taxes, Panaji-Goa.
2.	Smt. Maria Alda Monteiro	Directorate of Accounts, Panaji-Goa	Zilla Panchayat (North), Panaji-Goa (on deputation) thereby relieving Shri Pandurang Mayanath, DDA of the additional charge.
3.	Shri Sarvottam P. Satardekar	O/o the Chief Engineer, Water Resources Department, Porvorim-Goa	Directorate of Accounts, Panaji-Goa.
4.	Smt. Maireen M. P. S. Menezes Barreto	Directorate of Accounts, Panaji-Goa	Directorate of Accounts, Panaji-Goa.
5.	Smt. Sebastiana Silva (ST)	O/o the Superintending Engineer, Circle-I, Electricity Department, Margao-Goa (on CCL)	Sanjay School, Porvorim (on deputation).
6.	Smt. Sunita B. Singh	O/o the Commissioner of Excise, Panaji-Goa	Department of Information Technology, Altinho, Panaji-Goa thereby relieving Shri Subraj Kanekar, DDA of the additional charge.
7.	Smt. Manisha D. Cascar	Directorate of Education, Porvorim-Goa	Directorate of Agriculture, Tonca, Caranzalem-Goa, thereby relieving Shri Dilip Morajkar, DDA of the additional charge.

Further, the Government is also pleased to order the transfer/additional charge to be held by the following Deputy Director of Accounts/Accounts Officer under the Common Accounts Cadre in the Department as shown against their names in public interest:-

Sr. No.	Name of the Dy. Director of Accounts/Accounts Officer	Place of present posting of Deputy Directors/Accounts Officers	Proposed place of posting/ additional charge
1	2	3	4
8.	Smt. Pushpa Rosario Barreto	Directorate of Accounts, Panaji-Goa	District Rural Development Agency, North, Panaji-Goa (on deputation) with additional charge in the Goa Real Estate Regulatory Authority, Panaji-Goa.

1	2	3	4
9.	Smt. Pramila Chodnekar	Sanjay School, Porvorim-Goa (on deputation) with additional charge in the Goa Housing Board, Porvorim, Goa (on deputation)	Directorate of Accounts, South Branch Office, Margao-Goa.
10.	Shri Philomeno Pereira	District Rural Development Agency (South), Margao-Goa (on deputation)	Directorate of Accounts, South Branch Office, Margao-Goa.
11.	Smt. Sandhya Phaldessai alias Pai Khot	Directorate of Education, Porvorim-Goa	Goa Housing Board, Porvorim-Goa (on deputation).
12.	Shri Subhash Mandrekar	District Rural Development Agency, North, Panaji-Goa (on deputation)	Directorate of Education, Porvorim- Goa.
13.	Shri Martinho Fernandes	Directorate of Accounts, Panaji-Goa	District Rural Development Agency (South), Margao-Goa (on deputation) thereby relieving Shri Ratnadas Sawant, DDA of additional charge.
14.	Shri Francisco X. Rodrigues	Directorate of Accounts, South Branch Office Margao-Goa	District Rural Development Agency (South), Margao-Goa (on deputation).
15.	Shri Pradeep A. Mirajkar	Directorate of Accounts, Panaji-Goa	River Navigation Department, Betim-Goa, thereby relieving Shri Gajanan C. Arabekar, DDA of the additional charge.

The above promoted officers may exercise an option for fixation of pay under F. R. 22(1)(a)(i) within one month from the date of promotion.

The deputation of the Officers at Sr. Nos. 9, 10 and 12 stands curtailed from the date of being relieved by the respective Autonomous Bodies/Corporations.

The posting of Officers at Sr. Nos. 2, 5, 8, 11, 13 and 14 will be on deputation basis initially for a period of one year. They shall be governed as per the standard terms of deputation contained in the O.M. No. 13/4/74-PER dated 20-11-2013 of the Personnel Department, Government of Goa. The Organization/Agency shall be liable to pay to the Government leave salary and pension/employer contribution in respect of these Officers at the prescribed rates. On expiry of the deputation period, the Officers shall necessarily be relieved to report back to the parent Department, unless the deputation period is extended by the competent authority. Overstayal for any reason whatsoever, shall render them liable for disciplinary action.

The above mentioned Officers who will be promoted to the post of Dy. Director of Accounts/Accounts Officer shall join their promotional posts or convey the acceptance of the promotional post within 15 days of issue of the promotion order.

On joining their promotional/new post, the officers shall send their CTC/Joining report immediately to this Directorate.

By order and in the name of the Governor of Goa.

P. R. Pereira, Director & ex officio Joint Secretary (Accounts).

Panaji, 10th February, 2020.

Department of Fisheries

Directorate of Fisheries

Corrigendum

No. 84/95-FSH-II(PART-I)

Read: (a) Notification No. 84/95-FSH-II(PART-I) published in the Official Gazette, Series II No. 35 dated 30-11-2006.

(b) Notification No. 84/95-FSH-II(PART-I) published in the Official Gazette, Series II No. 6 dated 12-05-2011.

In partial modification of the Notification referred at (a) above, the name reflected at Sr. No. 2(d) and 3(d), Director, Department of Science, Technology and Environment, Saligao-Goa may be corrected to read as Director, Department of Environment and Climate Change.

Further, the Notification No. 84/95-FSH-II(PART-I) published in the Official Gazette, Series II No. 6 dated 12-05-2011 stands cancelled.

By order and in the name of the Governor of Goa.

Dr. *Shamila Monteiro*, Director/ex officio Joint Secretary (Fisheries).

Panaji, 24th August, 2020.

Department of Information and Publicity

Order

No. DI/INF/ADMN/Prom/IA-AIO/2020/13/1417

The Government on the recommendation of the Goa Public Service Commission is pleased to promote the below mentioned Assistant Information Officer to the post of Information Officer (Group 'B' Gazetted) in Level 7 of the Pay Matrix (i.e. Pay Band PB-2 Rs. 9,300-34,800, Grade Pay 4,600/- pre-revised) on regular basis from the date of taking over the charge of the post.

Sr. No.	Name of the Officer
1.	Shri Allwyn Xavier Pereira.

The above Officer shall convey the acceptance of the promotional post within 15 days of issue of this order.

The above Officer may exercise an option for fixation of pay under F. R. 22(1)(a)(i) within one month from the date of promotion.

This Order supercedes the O. No. DI/INF/ADMN/Prom/IA-AIO/2020/13 dated 1-07-2020.

By order and in the name of the Governor of Goa.

Meghana Shetgaonkar, Director & ex officio Jt. Secretary (Information & Publicity).

Panaji, 17th August, 2020.

Department of Labour

Notification

No. 28/2/2020-LAB/Part-I/931

The following Award passed by the Labour Court-II, at Panaji-Goa on 28-07-2020 in Case No. LC-II/IT/12/2016 is hereby published as required under Section 17 of the Industrial Disputes Act, 1974 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 18th August, 2020.

IN THE LABOUR COURT-II

GOVERNMENT OF GOA

AT PANAJI

(Before **Shri Suresh N. Narulkar**, Hon'ble Presiding Officer)

Case No. LC-II/IT/12/2016

Ms. Krishna Malik,
Rep. by the General Secretary,
Gomantak Mazdoor Sangh,
Tisk, Ponda-Goa. ... Workman/Party I

V/s

M/s. Swanson Plastics
(India) Pvt. Ltd.,
Honda, Satari-Goa. ... Employer/Party II

Workman/Party I represented by Adv. Shri S.P. Gaonkar.

Employer/Party II represented by Adv. Shri M. S. Bandodkar.

Panaji, Dated: 28-07-2020.

AWARD

1. In exercise of the powers conferred by Section 10 (1) (c) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order

dated 22-07-2016, bearing No. 28/22/2016-LAB/549, referred the following dispute for its adjudication to this Labour Court-II of Goa at Panaji, Goa.

“(1) Whether the action of the Management of M/s. Swanson Plastics (India) Private Limited, Honda, Satari, Goa, in dismissing Shri Krishna Malik, QC Inspector, with effect from 09-07-2015, is legal and justified?”

“(2) If not, what relief, the workman is entitled to?”

2. On receipt of the reference, a case was registered under No. LC-II-IT/12/2016 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his Statement of Claim on 12-12-2016 at Exb. 3. The facts of the case in brief as pleaded by the Workman are that the Employer/Party-II (for short 'Employer') is an industrial establishment situated at Bhuipal, Honda, Satari, Goa. He stated that initially, he was working as 'Q/C Technician' since 07-07-2012. He stated that since joining, he was continuously working in the said establishment. He stated that the wages paid to the workmen were very meagre and insufficient to meet daily needs of family and hence all the workers had decided to join the union. He stated that in the general body meeting held on 02-02-2014, it was unanimously resolved to join the Gomantak Mazdoor Sangh. He stated that the union has submitted the Charter of Demand to the Employer vide its letter dated 03-02-2014.

3. He stated that as the majority of the workmen along with him joined the union, the management was annoyed and hence the management started harassing the unionized workmen including him. He stated that as a part of harassment, the workman was implicated in false and fabricated case. He stated that he was illegally dismissed vide letter dated 05-06-2015. He stated that on receipt of the said dismissal letter, he made his representation dated 17-06-2015. He stated that on receipt of his representation, management has withdrawn his dismissal order by its letter dated 29-06-2015. He stated that he was again dismissed, vide letter dated 09-07-2015.

4. He contended that before awarding the punishment of second dismissal, no show-cause notice was issued and principles of natural justice was not followed and hence his dismissal is illegal and bad in law. He submitted that his order of dismissal was not signed by appointing authority and hence his dismissal is illegal, bad-in-law. He

submitted that before his dismissal, the management has not conducted fair and proper enquiry and hence the Enquiry Officer was biased and acted as agent of the management. He submitted that the findings of the enquiry proceedings was not based on the evidence on record and in his findings, he has imported the evidence, which is not on record. He submitted that the Enquiry Officer has acted as the agent of the management as he was the Personnel Manager of the company and hence, he was an interested person in dislodging the union and therefore he cannot be considered as impartial and independent person. He submitted that from the proceedings, it is proved beyond doubt that he has acted in biased manner. He submitted that the findings of the enquiry are biased and perverse and hence findings are illegal and bad-in-law. He submitted that the Employer has not complied with the provisions of law in force, hence, his dismissal is illegal and bad-in-law. He is entitled for reinstatement with continuity in service and with consequential benefits with full back wages. He stated that after his dismissal, he is unemployed and could not succeed in getting the employment. He submitted that the punishment awarded to him is harsh and severe in nature and hence it is illegal and unjustified. The workman finally prayed that the action of the management in dismissing him from service with effect from 09-07-2015 be declared as illegal, unjustified and therefore set aside and quash the same. He prayed that he may be granted the relief of reinstatement with full back wages and continuity in service with consequential benefits.

4. The Employer resisted the claim of the Workman by filing its written statement on 15-03-2017 at Exb. 4. The Employer stated that the workman was appointed as 'QC Inspector' in its Quality Control Department of the Employer w.e.f. 09-07-2012, vide letter dated 07-07-2012. The Employer stated that the said appointment was on probation basis for a period of three months. The Employer stated that thereafter the said period of probation was extended for a further period of three months w.e.f. 07-10-2012, vide letter dated 07-10-2012. The Employer submitted that the services of the workman were confirmed in the said post of 'QC Inspector' w.e.f. 07-01-2013 vide letter dated 07-01-2013 on the same terms and conditions as contained in the letter of appointment dated 07-07-2012 and further extension letter dated 07-10-2012. The Employer stated that in the course of working of workman as aforesaid, he was issued a charge-sheet cum suspension letter cum notice of enquiry dated 18-08-2014. The Employer stated

that the said charge-sheet was issued as they had received several oral as well as written complaints against the workman from his supervisors in respect of which the workman was issued warning letters dated 17-06-2014, 14-09-2012 and show cause notices dated 30-07-2014 and 06-08-2014 regarding his behaviour at the work place as well as his performance at the work place. The Employer stated that in spite of giving several opportunities to the workman to improve his behaviour, he failed to do so. He stated that in the circumstances, the Employer was constrained to issue the said charge-sheet. The Employer stated that the Workman was issued charge-sheet in respect of the following misconducts:

- (a) Wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;
- (b) Riotous or disorderly behaviour during working hours of the establishment;
- (c) Commission of any act subversive of discipline or good behaviour on the premises of establishment;
- (d) Habitual negligence or neglect of work;
- (e) Habitual breach of any law applicable to the establishment;

5. The Employer stated that upon receipt of the said letter/notice dated 18-08-2014, the workman replied to the same vide his reply dated 19-08-2014, inter alia, alleging that the charge-sheet-cum-order of suspension issued to him was illegal, unjustified, bad-in-law as it was in violation of principles of natural justice. The Employer stated that it was further alleged that the said charge-sheet was issued to him only to victimize him as he had joined the union and the same was vague and based on false and fabricated allegations.

6. The Employer stated that without prejudice, the workman submitted that he had not committed any misconduct as alleged in the said charge-sheet and as such requested for withdrawal of the suspension order and to allow him to resume duty. The Employer stated that in terms of the notice of enquiry dated 18-08-2014, the Enquiry Officer commenced the proceedings of the enquiry in respect of the charge sheet dated 18-08-2014 from 22-08-2014 till 21-03-2015. He submitted that the enquiry was concluded on 21-03-2015 and the matter was fixed by the Enquiry Officer for submitting his findings to the Employer in due course of time. The Employer stated that after conclusion of the enquiry proceedings as aforesaid,

the said Enquiry Officer submitted his findings dated 27-05-2015, holding the workman guilty of all the charges levelled against him in the charge-sheet as aforesaid. The Employer stated that pursuant to the receipt of the enquiry report as aforesaid, they submitted a copy of the said findings/enquiry report to the workman on 01-06-2015 for his say/reply. The Employer stated that the Workman submitted his reply vide letter dated 03-06-2015. The Employer stated that thereafter, vide letter dated 05-06-2015, they informed the Workman that they were not satisfied with his reply dated 03-06-2015. The Employer stated that considering the gravity of the misconduct levelled and proved against the Workman, he was dismissed from service with immediate effect. The Employer stated that Workman was informed that the legal dues payable to him shall be credited to his bank account. The Employer stated that after passing of the order of dismissal dated 05-06-2015, the workman submitted his representation dated 17-06-2015 alleging that the order of dismissal was illegal, unjustified and bad-in-law on various grounds including that they had not followed Section 33 of the Industrial Disputes Act, 1947 and demanded for reinstatement in service with full back wages and continuity of service. The Employer stated that based on the said representation and on realizing the procedural flaw in the order of dismissal, they decided to revoke/withdraw the letter of dismissal dated 05-06-2015 purely on technical grounds and accordingly, withdrew/revoked the said dismissal from service of the workman vide letter dated 29-06-2015 reserving the right to take appropriate action in the matter in due course. The Employer stated that accordingly, vide letter dated 09-07-2015, they informed the Workman that considering the gravity of the misconducts levelled and proved against the workman, he was dismissed from service with immediate effect and that dues as required to be paid under the law were deposited in his bank account. The Employer stated that the Workman challenged his dismissal from service in the present reference.

7. The Employer submitted that the enquiry proceedings were held against the Workman in a fair and proper manner and in full compliance with the principles of natural justice. The Employer submitted that the workman was represented by a Defense Representative of his choice. The Employer submitted that during the said enquiry, full opportunity was given to the Defense Representative to cross examine the witnesses of the Employer. The Employer submitted that the

copies of the proceedings of the enquiry held on every day were furnished to the workman. The Employer submitted that the findings of the Enquiry Officer dated 27-05-2015 are based on the evidence on record and except for bare and vague allegations of perversity, no actual perversity has been shown or pointed out in the claim statement, which falsifies the said allegations. The Employer submitted that the dismissal from service of the workman is perfectly legal and justified and that the workman is not entitled to any reliefs as prayed for or to any other reliefs.

8. Thereafter, the union filed its Rejoinder on 15-03-2017 at Exb. 05. The Union, by way of its re-joinder, confirms and reiterates all his submissions, averments and statements made in its Claim Statement to be true and correct and denies all the statements, averments and submissions made by the Employer in its Written Statement, which are contrary to its Statement and averments made in its Claim Statement.

9. Based on the pleadings filed by the respective parties, this court framed the following issues on 16-01-2018 at Exb.17.

1. Whether a free, fair and proper enquiries was conducted against the Workman/ /Party-I in respect of charge-sheet dated 18-08-2014?
2. Whether the charges of misconducts leveled against the Workman/Party-I vide charge-sheet dated 18-08-2014 have been proved to the satisfaction of this court by acceptable evidence?
3. Whether the Workman/Party-I proves that the action of the Employer in dismissing him from the service w.e.f. 09-07-2015 is illegal and unjustified?
4. Whether the Workman/Party-I is entitled to any relief?
5. What order? What award?

10. By Order dated 02-07-2019, passed in my preliminary issues No.1 and 2, I have discussed the said issues No. 1 and 2 and came to the conclusion that a fair, proper and impartial inquiry was conducted against the Workman in accordance with the principles of natural justice in respect of charge-sheet dated 18-08-2014 and that the charges of misconduct levelled against the Workman vide charge-sheet dated 18-08-2014 have not been proved to the satisfaction of this court by acceptable evidence. The Employer chose to lead an additional evidence to prove the charges of misconduct leveled against the Workman. The Employer filed his Affidavit-in-Evidence and the

matter was fixed for further examination-in-chief as well as cross-examination of the representatives of the Workman and the case was adjourned to 28-02-2020. On 28-02-2020, the Ld. Adv. Shri S. Gaonkar appeared on behalf of the Workman and submitted that the Employer had offered the monetary benefits to the Workman and further submitted that the Workman insisted for his reinstatement and as such the case was adjourned to 30-03-2020. On 30-03-2020, the Ld. Rep. Shri P. Gaonkar appeared on behalf of the Workman and filed an application for closing the proceedings and passing an Award. The Employer was represented by its HR Manager Shri Nilesh Parab. The case was fixed for the reply of the Employer as well as arguments to 24-03-2020. However, on account of lockdown in the State due to Corona Virus pandemic, the matter could not take place on 24-03-2020.

11. On 15-07-2020, Ld. Rep. Shri P. Gaonkar appeared on behalf of the Workman. Ld. Adv. Shri M. S. Bandodkar appeared on behalf of the Employer. Both the Parties filed an application for Consent Award in terms of settlement dated 13-07-2020 along with Memorandum of Settlement at **Exhibit-28** and submitted that the matter be disposed off in terms of the Memorandum of Settlement at Exb. 28.

12. I have carefully perused the terms of settlement as spelt out in the Memorandum of Settlement at Exb.28. The said terms of settlement are beneficial to both the parties. Hence, I consented for the same. Since the dispute under reference is settled between the parties, I hold that the dispute under present reference does not survive.

In view of above, I pass the following Order:

ORDER

1. In view of the amicable settlement between the Parties, it is held that the reference as to whether the action of the Management of M/s Swanson Plastics (India) Private Limited, Honda, Satari-Goa in dismissing Shri Krishna Malik, QC Inspector w.e.f. 09-07-2015, is legal and justified, does not arise.
2. It is held that the Workman Shri Krishna Malik is not entitled to any other relief.

Pronounced in the Open Court.

Sd/-

(Suresh N. Narulkar)
Presiding Officer,
Labour Court-II.

Notification

No. 28/2/2020-LAB/Part-I/932

The following Award passed by the Labour Court-II, at Panaji-Goa on 28-07-2020 in Case No. LC-II/IT/19/2014 is hereby published as required under Section 17 of the Industrial Disputes Act, 1974 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 18th August, 2020.

IN THE LABOUR COURT-II

GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. LC-II/IT/19/2014

Mr. Gopal Paryekar,
Rep. by the General Secretary,
Gomantak Mazdoor Sangh,
Tisk, Ponda-Goa. ... Workman/Party I

V/s

M/s. Swanson Plastics
(India) Pvt. Ltd.,
Honda, Satari-Goa. ... Employer / Party II

Workman/Party I represented by Adv. Shri P. S.
Gaonkar.

Employer/Party II represented by Adv. Shri M. S.
Bandodkar.

Panaji, Dated: 28-07-2020.

AWARD

1. In exercise of the powers conferred by Section 10 (1) (c) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 07-08-2014, bearing No. 28/21/2014-LAB/445, referred the following dispute for its adjudication to this Labour Court-II of Goa at Panaji, Goa.

"(1) Whether the action of the Management of M/s. Swanson Plastics (India) Private Limited, Bhuipal, Honda, Satari, Goa, in refusing employment to Shri Gopal Paryekar, with effect from 12-12-2013, is legal and justified?

(2) If not, what relief, the workman is entitled to?"

2. On receipt of the reference, a case was registered under No. LC-II-IT/19/14 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his Statement of Claim on 23-09-2014 at Exb. 4. The facts of the case in brief as pleaded by the Workman are that the Employer/ /Party-II (for short 'Employer') is an industrial establishment situated at Bhuipal, Honda, Satari, Goa. He stated that initially, he was working as 'Operator' since 02-01-2013. He stated that he was in continuous service. He stated that on 12-12-2013, he went to resume his normal duties, however, he was not allowed to join the duty. He stated that before refusal of employment, no charge-sheet was issued to him. He stated that as he was not allowed to resume the duty, he made a representation dated 14-12-2013 requesting the Employer to allow him to resume the duty, however he was not allowed to join the duty. He stated that vide letter dated 20-12-2013, he raised an industrial dispute before the Assistant Labour Commissioner, Mapusa which ended in failure due to adamant attitude of the Employer.

3. He contended that the Employer has not conducted any inquiry before refusal of his employment and hence violated the principles of natural justice. He submitted that the Employer has not paid any legal dues such as notice pay, retrenchment compensation before refusal of his employment and hence they failed to comply with Section 25 (F) of the I. D. Act, 1947. He submitted that the refusal of employment to him is illegal, unjustified and bad in law. He submitted that after refusal of employment, he is unemployed. The Workman therefore prayed that the action of the Employer in refusing him employment w.e.f. 12-12-2013 is illegal, unjustified and therefore required to be quashed and set aside. The Workman further prayed that he be granted the relief of reinstatement with full back wages, continuity in service with consequential benefits.

4. The Employer resisted the claim of the Workman by filing its Written Statement on 15-01-2015 at Exhibit-6. The Employer, as and by way of its preliminary objections submitted that the Claim of the Workman in the present reference is not an 'industrial dispute' as defined under Section 2 (k) of the I. D. Act, 1947. The Employer submitted that the Workman was employed with them as an Operator on probation for a period of one year w.e.f. 02-01-2013 vide Appointment Letter dated 02-01-2013 and as such he is not a 'Workman' as defined u/s 2 (s) of the I. D. Act, 1947. The

Employer submitted that the performance of the Workman was also appraised by them and the same was found not satisfactory during the said probationary period and as such the termination of services of the Workman is discharge simplicitor and that there is non-application of mind by the Appropriate Government while referring the present dispute.

5. The employer admitted that it is an industrial establishment situated at Bhuipal, Satari-Goa. The Employer admitted that the Workman was working as an 'Operator' since 02-01-2013 and that since joining he was in continuous service. The Employer stated that the Workman was employed with them as an Operator on probation for the period of one year w.e.f. 02-01-2013 vide Appointment Letter dated 02-01-2013. The Employer denied that on 12-12-2013, the Workman went to resume his normal duty, however, he was not allowed to join the duty. The Employer stated that the Workman was on probationary period and hence his services were terminated without giving him any charge-sheet as a discharge simplicitor. The Employer stated that during the conciliation proceedings, it was made clear that the performance of the Workman was appraised by them and the same was not found to be satisfactory during the probationary period and hence his services were terminated. The Employer admitted that vide his letter dated 20-12-2013, the Workman raised an industrial dispute before the Assistant Labour Commissioner, Mapusa and that on receipt of the said dispute, the Assistant Labour Commissioner, Mapusa called both Parties for joint discussions on several occasions. The Employer submitted that as the Workman was on probation, there is no necessity to conduct any inquiry against him. The Employer denied that it has not complied with Section 25 (F) or any other provisions of I. D. Act, 1947. The Employer submitted that the Workman is gainfully employed immediately after termination of his services. The Employer therefore prayed that the claim of the Workman deserves no consideration and as such be rejected with cost.

6. Thereafter, the Workman filed his Rejoinder on 21-01-2015 at Exhibit-7. The Workman, by way of his Rejoinder, confirms and reiterate all his submissions, averments and statements made in his Claim Statement to be true and correct and denies all the statements, averments and submissions made by the Employer in its Written Statement which are contrary to his statements and averments made in his Claim Statement.

7. Based on the pleadings, filed by the respective Parties hereinabove, the Hon'ble Industrial Tribunal-cum-Labour Court framed the following issues on 12-08-2015 at **Exhibit-10**.

1. Whether the Party-I proves that he is a 'Workman' u/s 2 (s) of the I. D. Act, 1947?
2. Whether the Party-I proves that he was working with Party-II as operator and was in their continuous service?
3. Whether the Party-I proves that when he went to resume his normal duty on 12-12-2013, he was not allowed to join the duty by Party-II?
4. Whether the Party-I proves that before the refusal of employment to him, Party-II did not conduct any enquiry and hence violated the principles of natural justice?
5. Whether the Party-II proves that before refusal of employment to him, Party-II did not comply with the requirements of Sec. 25F of I. D. Act, 1947?
6. Whether the Party-II proves that the claim of Party-I is not an 'Industrial Dispute' u/s 2 (k) of the I. D. Act, 1947?
7. What relief? What Award?

8. Thereafter, the Workman examined himself and produced on record certain documentary evidence in support of his oral evidence. He was cross-examined by the Ld. Adv. appearing for the Employer. After completion of the evidence of the Workman, the Employer chose to examine its Administrative Manager, Shri Nilesh Parab. He was cross-examined by the Learned Advocate appearing for the Workman. After completion of the evidence of the Employer, the matter was fixed for the final arguments of both the Parties on 19-08-2020.

9. However, on 15-07-2020 Ld. Adv. Shri M. S. Bandodkar filed an application for preponing the matter. The said application was allowed and the matter was heard on the same day. On 15-07-2020, Ld. representative Shri P. Gaonkar appearing for the Workman, along with the Workman as well as Ld. Adv. Shri M. S. Bandodkar appearing for the Employer filed a joint application for consent Award supported by a Memorandum of Settlement dated NIL signed between the Workman represented by its General Secretary Shri Puti Gaonkar and the Employer at Exhibit-30 and submitted that the matter be disposed off in terms of Memorandum of Settlement at Exb. 30. I have carefully perused the said terms of settlement at Exb. 30 signed by and

between the Employer and the Union. The said terms of settlement are beneficial to both the parties. Hence, I consented for the same. Since the dispute under reference is settled between the parties, I hold that the dispute under present reference does not survive.

In view of the above, I proceed to pass the following order:

ORDER

1. In view of the amicable settlement between the Parties, it is held that the reference as to whether the action of M/s Swanson Plastics, Bhuipal, Satari-Goa in refusing employment to its workman Shri Gopal Paryekar, Operator, with effect from 12-12-2013, is legal and justified?, does not survive.
2. The Workman, Shri Gopal Paryekar, is not entitled to any relief.
3. No order as to costs.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar)
Presiding Officer,
Labour Court-II.

Inspectorate of Factories and Boilers

Notification

No. VI/BLR/(2)A-144(Part 1)/IFB/2020/1131

In exercise of the powers conferred by Rule 9 of the Boiler Operation Engineers' Rules, 2011 and in supersession of the Government Notification No. VI/BLR/(2)A-144/(Part-I)/IFB/2017/441 dated 27th April, 2017, published in the Official Gazette, Series II No. 5 dated 4th May, 2017, the Government of Goa hereby re-constitutes the Board of Examiners for the State of Goa, as follows, namely:-

- | | |
|--|---------------------------|
| 1. Shri Vivek P. Marathe,
Chief Inspector of
Factories and Boilers,
Altinho, Panaji-Goa | — Ex officio
Chairman. |
| 2. Shri H.V. Rao (Retired),
Manager Safety, M/s.
Reliance Salgaonkar
Power Co. Ltd. | — Member. |
| 3. Shri Oscar Colaco
(Retired), Manager
Utilities, M/s. M. R. F.
Ltd., Usgao, Ponda-Goa | — Member. |

- | | |
|---|----------------------------|
| 4. Shri Vishwajit Desai,
r/o Priol, Ponda-Goa | — Member. |
| 5. Shri R. T. Korgaonkar,
Inspector of Boilers,
Altinho, Panaji-Goa | — Ex officio
Secretary. |

This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Vivek P. Marathe, Chief Inspector & ex officio
Joint Secretary (Factories & Boilers).

Panaji, 20th August, 2020.

Department of Panchayati Raj and
Community Development

Directorate of Panchayats

Order

No. 15/2/DP/EST/AE-Promotion/2018/5639

Read: Promotion Order No. 15/2/DP/EST/
/AE-Promotion/2018/3153 dated 18-06-2019.

Whereas, on the recommendation of the DPC as conveyed by the Goa Public Service Commission, vide letter No. COM/II/11/69(1)/16/69 dated 15-05-2019, the Governor of Goa was pleased to promote 07 Technical Assistants/Junior Engineers to Assistant Engineers vide Order read in preamble;

And whereas, the name of Shri Sandeep Apule, Junior Engineer was also duly recommended by D. P. C. as conveyed by the Goa Public Service Commission vide letter No. COM/II/11/69(1)/16/69 dated 15-05-2019 for promotion to the post of Assistant Engineer alongwith other 07 Technical Assistants/Junior Engineers who were promoted vide Order read in the preamble.

And whereas, prior to issuance of Order read in the preamble, the Directorate of Panchayats was in receipt of Order No. 5/21/2014-VIG/STE/795 dated 08-03-2019 of Director (Vigilance) & ex officio Joint Secretary to the Government directing that disciplinary action against Shri Sandeep Apule, Junior Engineer shall be taken in common proceeding alongwith other officials. The matter regarding disciplinary proceeding against Shri Sandeep Apule initiated by Directorate of Vigilance was referred to the Government in pursuance of which Government conveyed approval to promote only 07 Technical Assistants/Junior Engineers to the post of Assistant Engineer

vide U. O. No. 1533/F dated 11-06-2019 and as such the name of Shri Sandeep Apule was not included in the list of officers promoted vide Order read in the preamble.

And whereas, subsequently the Directorate of Panchayats is in receipt of Order No. 5/21/2014-VIG/STE/4164 dated 18-12-2019 of Director (Vigilance) & ex officio Joint Secretary to the Government ordering closure of disciplinary proceedings upon exoneration of all charges framed against the official Shri Sandeep Apule, Junior Engineer.

And whereas, matter regarding the correspondence made by Director (Vigilance) & ex officio Joint Secretary to the Government vide Order No. 5/21/2014-VIG/STE/4164 dated 18-12-2019 in connection with closure of disciplinary proceedings and the correspondence made by the Directorate of Panchayats with the Goa Public Service Commission for initiation of process of promotion of 08 Technical Assistants/Junior Engineers vide letter dated 13-05-2019 were brought to the notice of the Government including Personnel Department, wherein it is expressed by the Personnel Department that further action may be taken in consultation with Goa Public Service Commission.

And whereas, the matter was referred to Goa Public Service Commission whereby the Commission vide letter No. COM/II/11/69(1)/16 dated 16-07-2020, instructed that necessary action may be taken as per the recommendation conveyed vide letter No. COM/II/11/69(1)/16/69 dated 15-05-2019 and instructed that copy of revised order may be endorsed to the Commission.

And whereas, the matter was thereafter again referred to the Government for granting approval for issuance of revised order and the Government has conveyed its approval to this effect vide U.O. No. 4687/F dated 04-08-2020;

Now, therefore, based on recommendation of the DPC held on 14-05-2019 conveyed by GPSC vide its letter No. COM/II/11/69(1)/16/69 dated 15-05-2019, subsequent letter of GPSC vide No. COM/II/11/69(1)/16 dated 16-07-2020 and approval dated 04-08-2020 of the Government and in partial modification of the Order read in preamble, the Governor of Goa is pleased to promote and appoint notionally with effect from the date of issuance of Order read in the preamble, Shri Sandeep G. Apule, the Junior Engineer at Sr. No. 2 as given below to the post of Assistant Engineer, Group 'B' Gazetted

on regular basis in Pay Matrix Level 7 under Seventh Pay Commission in the following order:

Sr. No.	Name of the Officer
1.	Smt. Vaidehi D. Shirodkar.
2.	Shri Sandeep G. Apule.
3.	Shri Ashish D. Patnekar.
4.	Shri Vasant H. Parab.
5.	Smt. Saloni Zarapkar.
6.	Shri Ajit A. Jog.
7.	Shri Marvando J. Mascarenhas.
8.	Shri Saeesh S. Parab.

The officer at Sr. No. 2 shall be on probation for a period of 02 years from the date of issue of Order read in preamble. The officer at Sr. No. 2 shall exercise his option for fixation of pay in promotional grade in terms of provisions of F. R. 22(1)(a)(1) within a period of one month from the date of issue of this order. The option once exercised shall be final.

The Officer at Sr. No. 2 is posted in the office of Deputy Director of Panchayats, South, Margao-Goa.

The expenditure on pay and allowances shall be debited to the Budget Head of Account: 2515-Other Rural Development Programme; 00-; 101-Panchayati Raj; 06-Strengthening of Panchayati Raj Institution; 01-Salaries under Demand No. 31.

On joining the new post by the officer at Sr. No. 2, he shall submit the joining report to this office.

This is issued vide Government approval vide U. O. No. 4687/F dated 04-08-2020.

By order and in the name of the Governor of Goa.

Narayan Gad, Director & ex officio Jt. Secretary (Panchayats).

Panaji, 20th August, 2020.

◆◆◆
Department of Personnel

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Order

No. 15/2/2020-PER/1924

On the recommendation of Goa Services Board, the Governor of Goa is pleased to deploy on working arrangement basis, Smt. Archana S. Chodankar, Joint Mamlatdar II, Tiswadi to the office of Hon'ble Minister of State (Independent Charge)

for Ayush and Minister of State for Defence, Government of India, Shri Shripad Naik with immediate effect.

The charge of Joint Mamlatdar (II), Tiswadi shall be held by Mamlatdar, Tiswadi.

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary (Personnel-I).

Porvorim, 20th August, 2020.

Department of Public Health

Order

No. 21/12/97-I/PHD/2995

Government is pleased to accept the notice of voluntary retirement dated 01-06-2020 tendered by Dr. Sabrina Falcao, Medical Officer under Directorate of Health Services posted at Post Partum Programme, Goa Medical College, Bambolim-Goa under Rule 48-A of CCS (Pension) Rules, 1972 and to relieve her from the post of Medical Officer under Directorate of Health Services with effect from 31-08-2020 (a.n.).

By order and in the name of the Governor of Goa.

Swati A. Dalvi, Under Secretary (Health).

Porvorim, 17th August, 2020.

Department of Women & Child Development

Directorate of Women & Child Development

Notification

No. 2-107(98)2020/DWCD/ICPS/Constitution of Inspection Committees/2348

In exercise of the powers conferred by Section 54 of the Juvenile Justice (Care & Protection of Children) Act, 2015 (hereinafter referred to as the "said Act") read with Rule 41 of the Juvenile Justice (Care & Protection of Children) Model Rules, 2016 (hereinafter referred to as the "said Rules") and on the recommendation of the Selection Committee vide Notification No. 2-103(69-2004/DW&CD/PART-II/08981 dated 23-10-2014 published in Official Gazette, Series II No. 30. The Government of Goa had constituted the following Inspection Committee at the State Level, at North Goa and South Goa and District Level Inspection Committee

respectively for the State of Goa for the purpose of the said Act and the same is renewed/extended with immediate effect from 14th July, 2020 to 13th July, 2023.

Sr. No.	State Level Inspection Committee
1.	Secretary (Women and Child Development) — Chairperson.
2.	Chairperson of the Child Welfare Committee or Member of the Juvenile Justice Board-North/South Goa — Member.
3.	Chairperson of Child Rights Commission — Member.
4.	Superintendent of Police — Member.
5.	Director, the Directorate of Health Services, Panaji — Member.
6.	Director, the Directorate of Education, Porvorim — Member.
7.	Non Government Organization (NGO) Child Rights in Goa — Member.
8.	Social Worker, Smt. Aparna Porob Palyekar — Member.
9.	Director, Directorate of Women & Child Development, Panaji-Goa — Member Secretary.

Sr. No.	North Goa District Inspection Committee
1.	Collector, North Goa — Chairperson.
2.	Superintendent of Police or its representative, North Goa — Member.
3.	Representative of Child Rights Commission — Member.
4.	Representative of Child Welfare Committee, North Goa — Member.
5.	Representative of Juvenile Justice Board, North Goa — Member.
6.	Health Office or its representative, North Goa — Member.
7.	Non Government Organization or its representative (NGO), North Goa — Member.
8.	Social Worker, North Goa — Member.
9.	Child Development Project Officer (CDPO) of respective Taluka or its representative — Member.
10.	Probation Officer-Directorate of Women & Child Development, Panaji-Goa — Member Secretary.

Sr. South Goa District Inspection Committee No.	
1	2
1. Collector, South Goa	— Chairperson.
2. Superintendent of Police or its representative, South Goa	— Member.
3. Representative of Child Rights Commission	— Member.
4. Representative of Child Welfare Committee, South Goa	— Member.
5. Representative of Juvenile Justice Board, South Goa	— Member.
6. Health Office or its representative of respective taluka, South Goa	— Member.
7. Non-Government Organization or its representative (NGO), South Goa	— Member.
8. Social Worker, South Goa	— Member.

1	2
9. Child Development Project Officer (CDPO) of respective Taluka or its representative	— Member.
10. Probation Officer-Directorate of Women & Child Development, Panaji-Goa	— Member Secretary.

1. The term of the State & District Inspection Committee will be for a period of 3 years from the date of issue of this notification.
2. The Inspection Committee should consist of three members to maintain the quorum of whom atleast one shall be a woman.
3. The non-official members shall be paid visiting fee including TA/DA per day of the inspection.

By order and in the name of the Governor of Goa.

Deepali Naik, Director & ex officio Joint Secretary (Women & Child Development).

Panaji, 19th August, 2020.

www.goaprintingpress.gov.in

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